

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: _____

JADER JARQUIN,

Plaintiff,

v.

EULEN AMERICA INC.,
A Florida Profit Company,

Defendant.

_____ /

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT Defendant, EULEN AMERICA INC., A Florida Profit Company, (hereinafter “Defendant”), by and through their undersigned counsel and pursuant to 28 U.S.C. §§ 1441 (a) and (c), 1446, 1331, and 1367 (a) hereby file this Notice of Removal of this action to the United States District Court for the Southern District of Florida. The removal of this action is premised upon the following:

1. This is a Notice of Removal of an action filed by Plaintiff JADER JARQUIN (hereinafter “Plaintiff”) in the Circuit Court of the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida, Case No.: 2022-004243-CA-01, on or about March 6, 2022 (the “State Court Action”). Copies of all process, pleadings, and orders served on Defendant in the state court to date are attached hereto as **Exhibit A** and are incorporated herein by reference.

2. Plaintiff’s Complaint alleges causes of action under Breach of Contract in Count I ¶¶ 15-17, Quantum Meruit in Count II ¶¶ 18-23, Unjust Enrichment in Count III ¶¶ 24-29, and the Fair Labor Standards Act 29 U.S.C. § 201-2019 *et. seq.* (“FLSA”) in Count IV ¶¶ 30-35.

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3. Plaintiff's state law claims are based on the same facts as his FLSA claims and, essentially, merely recast his FLSA claims in state law terms.

4. Pursuant to 28 U.S.C. §1331, the district courts shall have original jurisdiction of all civil actions arising under the laws of the United States. Additionally, pursuant to 28 U.S.C § 1441(a), "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending." Thus, this Court has original jurisdiction over Plaintiff's claims arising under 29 U.S.C. § 201 *et seq.* and this action is therefore removable under 28 U.S.C. § 1441 (a) and 28 U.S.C. §1331.

5. This Court has supplemental jurisdiction over Plaintiff's state law claims because they arise out of the same facts as his FLSA claim. *See* 28 U.S.C. §§ 1367 and 1441 (c).

6. The events alleged by Plaintiff, which give rise to this lawsuit, occurred in Miami-Dade County, Florida. Thus, venue properly lies in the United State District Court for the Southern District of Florida, Miami Division.

7. On April 4, 2022, Defendant was served with the Complaint. This Notice of Removal is being filed on April 25, 2022. Thus, this Notice of Removal is being timely filed within thirty (30) days after Defendant was served with process. *See* 28 U.S.C. § 1446 (b).

8. Pursuant to 28 U.S.C. § 1446 (d), a copy of this Notice of Removal will be filed with the Clerk of the Circuit Court, Eleventh Judicial Circuit, in and for Miami-Dade County, Florida. A copy of the Notice of Filing Notice of Removal is attached hereto as **Exhibit B**.

9. Defendant has complied with all of the requirements for removal under Title 28 of the United States Code, and thus this Court has jurisdiction over all the parties, and its territorial jurisdiction embraces the place where the state court action is pending.

10. By filing this Notice of Removal, Defendant does not admit any of the averments in Plaintiff's Complaint, or waive any defense, and expressly reserves any objections as to service and personal jurisdiction.

WHEREFORE, Defendant hereby requests the removal of this action from the Circuit Court of the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida, to the U.S. District Court for the Southern District of Florida.

Dated: April 25, 2022

Respectfully submitted,

/s/Suhail M. Morales
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was filed electronically and was sent by email from the Florida Courts' E-Filing Portal system, unless otherwise noted, below, on all counsel or parties of record listed below, this **25th day of April, 2022.**

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